

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 4 of 15

a body having a hole formed therethrough and having the locking mechanism disposed therein.

4 ~~26.~~ (New) The anchor of claim ~~25~~, wherein the locking mechanism further comprises a threaded member, a clamp or a pin.

5 ~~27.~~ (New) The anchor of claim ~~17~~, wherein the piercing end terminates in a point or knife edge.

6 ~~28.~~ (New) The anchor of claim ~~17~~, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

7 ~~29.~~ (New) The anchor of claim ~~17~~, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.--

#### REMARKS

This response is intended as a full and complete response to the Final Office Action dated March 28, 2003. In view of the following discussion, the Applicant believes that all claims are in allowable form.

#### **CLAIM REJECTIONS**

##### **A. 35 U.S.C. §112 Claims 12-20 and 23-24**

Claims 12-20 and 23-24 and stand rejected under 35 U.S.C. §112. In response, the Applicant has amended claims 20 and 24 as suggested by the Examiner. Claims 12-19 and 23 have been cancelled without prejudice.

Specifically, claim 20 has been rewritten in independent form and amended as suggested by the Examiner to insert the word "having" after "shaft" in line 3 and to replace "sandwiching the building" with "adapted to

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 5 of 15

sandwich the building" in line 13. Claim 24 as also been amended as suggested by the Examiner to replace "the first end" with "the second end" in line 6. Thus, the Applicant respectfully requests the rejection be withdrawn.

**B. 35 U.S.C. §103**

Claims 1-3, 5-15, 18-19 and 21-23 have been rejected as being obvious over various references. In response, the Applicant has cancelled claims 1-3, 5-15, 18-19 and 21-23 without prejudice to expedite the issuance of the allowed claims.

**ALLOWED AND NEW CLAIMS**

The Applicant thanks the Examiner for his comments on the allowability of claims 16-17, 20 and 24 if rewritten in independent form and amended to overcome the rejections under 35 U.S.C. §112. In response, claims 17 and 20 have been rewritten in independent form and claim 24 has been amended as suggested by the Examiner.

Specifically, claim 17 has been rewritten in independent form to incorporate the limitation of base claim 12 and to address rejections under 35 U.S.C. §112. New claims 25-29 that depend from claim 17 have been added and recite the limitations of cancelled claims 13-16 and 23. Thus, as the Examiner has indicated that claim 17, as amended, is allowable of the cited art, the Applicant accordingly requests allowance of claims 17 and 25-29.

Claim 20 has been rewritten in independent form to incorporate the limitation of base claim 19. Thus, as the Examiner has indicated that claim 20, as amended, is allowable of the cited art, the Applicant accordingly requests allowance of claim 20.

Claim 24 has been amended to amended to overcome the rejections under 35 U.S.C. §112 as indicated by the Examiner. Thus, the Applicant requests allowance of claim 24.

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 6 of 15

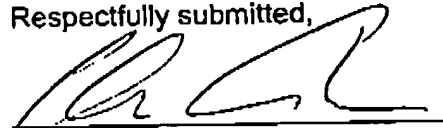
**CONCLUSION**

The Applicant submits that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

April 24, 2003

Respectfully submitted,



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**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8**

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Allyson M. DeVesty  
Signature

Allyson M. DeVesty  
Printed Name of Person Signing

4-24-03  
Date of signature

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 7 of 15

**APPENDIX I**  
**MARK-UP OF AMENDED CLAIMS**

1. (Cancelled) An anchor for providing an attachment point on a building structure, comprising:
  - a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end adapted to pierce through the building structure;
  - a collar axially repositionable in both directions along an axis of the shaft;
  - a first member pivotally coupled to the center shaft; and
  - a second member pivotally coupled to the center shaft, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft, and are fixed in angular orientation about a centerline of the center shaft.
2. (Cancelled) The anchor of claim 1, wherein the piercing end terminates in a point or knife edge.
3. (Cancelled) The anchor of claim 1, wherein the piercing end is removable from the center shaft.
5. (Cancelled) The anchor of claim 1, wherein the attachment end comprises a ring defining a hole that provides an attachment point for the fall restraint.
6. (Cancelled) The anchor of claim 5, wherein the ring further comprises:
  - a boss coupled to an exterior portion of the ring and removably threaded over the shaft portion.
7. (Cancelled) The anchor of claim 1, wherein the collar further comprises:

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 8 of 15

a body; and  
a flange extending outward from the body.

8. (Cancelled) The anchor of claim 7, wherein the collar further comprises a means for fixing the collar along the shaft, the means coupled to the collar and having an end adapted to urge against the shaft.

9. (Cancelled) The anchor of claim 8, wherein the means for fixing is selected from a group consisting of a threaded member, a clamp and a pin.

10. (Cancelled) The anchor of claim 1, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

11. (Cancelled) The anchor of claim 1 further comprising a spring that biases at least one of the members away from the shaft.

12. (Cancelled) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end terminating in a point or knife edge, the piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft;

a collar slidably disposed on the center shaft; and

a locking mechanism coupled to the collar and having a first end movable relative to the collar and biasable against the shaft to fix the position of the collar relative to the shaft.

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 9 of 15

13. (Cancelled) The anchor of claim 12, wherein the collar further comprises:

a body having a hole formed therethrough and having the locking mechanism disposed therein.

14. (Cancelled) The anchor of claim 13, wherein the locking mechanism further comprises a threaded member, a clamp or a pin.

15. (Cancelled) The anchor of claim 12, wherein the piercing end terminates in a point or knife edge.

16. (Cancelled) The anchor of claim 12, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

17. (Amended) [The anchor of claim 12 further comprising] An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end terminating in a point or knife edge, the piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft;

a collar slidably disposed on the center shaft; and

a locking mechanism coupled to the collar and having a first end movable relative to the collar and biasable against the shaft to fix the position of the collar relative to the shaft; and

a spring that biases at least one of the pivotal members away from the shaft.

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 10 of 15

18. (Cancelled) The anchor of claim 12, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.

19. (Cancelled) An anchor for providing an attachment point on a building structure, comprising:

a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end for piercing through the building structure and a second end;

a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a locking mechanism coupled to the collar and having a first end, the first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

20. (Amended) [The anchor of claim 19,] An anchor for providing an attachment point on a building structure, comprising:

a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end for piercing through the building structure and a second end;

a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 11 of 15

a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft, wherein the first member and second member each include an end that meet to form a point that extends beyond the first end of the shaft when the first member and the second member are in the first position;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a locking mechanism coupled to the collar and having a first end, the first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

21. (Cancelled) The anchor of claim 1, wherein the attachment end is coupled to the fall restraint.

22. (Cancelled) The anchor of claim 1 further comprising:

a shaft member disposed through the center shaft, the first member and the second member.

23. (Amended) The anchor of claim [12] 17, wherein the attachment end is coupled to the fall restraint.

24. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having a first end having a point or knife edge adapted for piercing through the building structure and a second end;

a ring disposed on the [first] second end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;



RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 12 of 15

a second member nesting with the first member and coupled to the center shaft at a common axis of rotation with the first member, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

a pivot member disposed through the shaft and coupling the first and second members;

a collar slidably repositionable along the center shaft, the collar having a body and a flange extending radially outward from an end of the body facing the first end of the shaft; and

a locking mechanism coupled to the body of the collar and having a first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

25. (New) The anchor of claim 17, wherein the collar further comprises:

a body having a hole formed therethrough and having the locking mechanism disposed therein.

26. (New) The anchor of claim 25, wherein the locking mechanism further comprises a threaded member, a clamp or a pin.

27. (New) The anchor of claim 17, wherein the piercing end terminates in a point or knife edge.

28. (New) The anchor of claim 17, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.

29. (New) The anchor of claim 17, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 13 of 15

**APPENDIX II**  
**PENDING CLAIMS**

17. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having an attachment end for coupling a fall restraint thereto and a piercing end terminating in a point or knife edge, the piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft;

a collar slidably disposed on the center shaft; and

a locking mechanism coupled to the collar and having a first end movable relative to the collar and biasable against the shaft to fix the position of the collar relative to the shaft; and

a spring that biases at least one of the pivotal members away from the shaft.

20. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft a tensile strength of at least about 5000 pounds, the shaft having a first end for piercing through the building structure and a second end;

a ring disposed on the first end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft, wherein the first member and second member each include an end that meet to form a

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 14 of 15

point that extends beyond the first end of the shaft when the first member and the second member are in the first position;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a locking mechanism coupled to the collar and having a first end, the first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

23. (Amended) The anchor of claim 17, wherein the attachment end is coupled to the fall restraint.

24. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a tensile strength of at least about 5000 pounds, the shaft having a first end having a point or knife edge adapted for piercing through the building structure and a second end;

a ring disposed on the second end and defining a hole spaced from the shaft for coupling a fall restraint thereto;

a first member pivotally coupled to the center shaft;

a second member nesting with the first member and coupled to the center shaft at a common axis of rotation with the first member, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;

a pivot member disposed through the shaft and coupling the first and second members;

a collar slidably repositionable along the center shaft, the collar having a body and a flange extending radially outward from an end of the body facing the first end of the shaft; and

RESPONSE TO OFFICE ACTION  
S/N: 09/773,352  
Page 15 of 15

a locking mechanism coupled to the body of the collar and having a first end movable relative to the collar and biasable against the shaft for fixing the collar in an axial position relative to the shaft.

25. (New) The anchor of claim 17, wherein the collar further comprises:  
a body having a hole formed therethrough and having the locking mechanism disposed therein.
26. (New) The anchor of claim 25, wherein the locking mechanism further comprises a threaded member, a clamp or a pin.
27. (New) The anchor of claim 17, wherein the piercing end terminates in a point or knife edge.
28. (New) The anchor of claim 17, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.
29. (New) The anchor of claim 17, wherein the attachment end comprises a ring defining a hole spaced from the shaft for coupling the fall restraint.